IN THE BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF TENNESSEE

IN RE RICHARD R. HELD, JR.,

Debtor.

RICHARD R. HELD JR.,

Plaintiff,

v.

AMERICAN EDUCATION SERVICES, ED FINANCIAL, SALLIE MAE, CHASE BANK and ACS,

Defendants.

Case No. 3:09-bk-30967

Chapter 7

Adversary Proceeding No. 09-03075

PLAINTIFF'S RESPONSE TO DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS

The Plaintiff, Rick Held, by and through counsel, files this Response to the Statement of Undisputed Material Facts submitted by Defendants Sallie Mae, Education Credit Management Company ("ECMC") and Chase Bank in connection with their Motion for Summary Judgment. The Plaintiff is filing this Response pursuant to Local Bankruptcy Rule 7056-1(b). In support hereof, the Plaintiff states as follows:

Response

1. Disputed. The Plaintiff was unemployed for much of 2009. The Plaintiff will be starting a job with Tenant's Choice Property Management Systems, a property management company, in early January 2010. (Held Aff. ¶ 2).

2. Undisputed.

3. Undisputed.

4. Undisputed.

5. Undisputed.

6. Undisputed.

7. Undisputed.

8. Undisputed.

9. Undisputed.

10. Undisputed.

11. Undisputed.

12. Undisputed.

13. Undisputed.

14. Undisputed.

15. Undisputed.

16. Undisputed.

17. Disputed. The Debtor has two dependents, Faith Held (age 17), and Jacob Held (age 13). The Debtor has custody of the children 50% of the time. The Debtor has significant expenses in connection with the children. (Held Aff. ¶ 9).

18. Disputed. The Debtor incurred the student loan obligations that are the subject of this case in connection with his studies at both the University of Tennessee and at Lincoln Memorial. (Held Aff. ¶ 4).

19. Undisputed.

20. Disputed. It has been more than three years since the Debtor completed his post-baccalaureate education. (Held Aff. ¶ 13).

This the 6th day of January 2010.

Respectfully submitted,

/s/ Elliott J. Schuchardt
Elliott J. Schuchardt

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Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I, Elliott Schuchardt, hereby certify that I filed the foregoing pleading electronically on this 6th day of January 2010. Notice of this filing will be sent electronically by operation of the Cout's electronic filing system to all parties indicated on the electronic filing receipt. The following parties have been served by regular U.S. mail on this date:

Ed Financial
P.O. Box 36014
Knoxville, TN 37930

ACS
P.O. Box 7052
Utica, NY 13504

/s/ Elliott J. Schuchardt
Elliott J. Schuchardt